

**Non-Fee Amendment**

Applicant Docket No. 19011.1350

**REMARKS**

At the mailing of the Official Communication, claims 1-20 were pending and the Patent Office has set forth grounds for rejecting each of these claims.

The applicant has filed an RCE along with a preliminary amendment to modify several of the claims.

In this preliminary amendment, independent claim 1 has been amended along with claims 7 and 10 that depend from claim 1. Dependent claims 2 and 3 have been cancelled without prejudice. New independent claims 21 and 22 have been added.

As a result, claims 1 and 4-22 are pending with 3 independent claims and 20 claims in total. Thus, no additional fees are required due to these amendments and additions.

The Office has asserted rejections of various claims under 35 USC §103(a) alleging that the claims are unpatentable over U.S. Patent No. 5,937,392 to *Alberts* in view of U.S. Patent No. 5,933,811 to *Angles et al.* The applicant respectfully traverses these rejections.

The Official Action alleges that column 3, lines 58-60 of *Alberts* discloses the elements Advertising Server Central Controller and AD Servers which correspond to “a multi-tiered marketing environment.” The applicant respectfully disagrees with this allegation.

The invention as recited in claim 1 describes a method for conducting an advertising campaign in which the manager retains some level of control over each of the marketing agents regarding marketing activity such as retrieval and distribution of ads. The marketing agents, however, do have decision-making capabilities and are able to also make decisions regarding recipients, ad distribution, etc. The Office has stated that these elements are not included in claim 1; however, although the specific words do not appear in the claim, the claim elements clearly describe these aspects of the invention as shown in the following table:

## Non-Fee Amendment

Applicant Docket No. 19011.1350

Claim 1 language	Comparison with described operation
A method of conducting an advertising campaign, comprising: providing a marketing environment having a marketing agent and a manager cooperating on the advertising campaign; providing the marketing agent with a set of prospect information and a set of advertising messages;	
the marketing agent taking an active role in (a) selecting a recipient from the set of prospect information; (b) selecting a message from the set of advertising messages; and (c) electronically sending the message to the recipient;	The marketing agents, however, do have decision-making capabilities and are able to also make decisions regarding recipients (see item (a)), ad distribution (see item (c)), etc.
the recipient electronically responding to the message; tracking the recipient electronically responding to the message; and	
the manager retaining at least some control over at least one of: (a) the set of prospect information provided to the marketing agent; (b) the set of advertising messages provided to the marketing agent; and (c) an authorized number of sends allocated to the marketing agent.	manager retains some level of control over each of the marketing agents regarding marketing activity such as retrieval and distribution of ads

*Alberts* describes a central controller which receives statistics from the various ad servers and then utilizes this data to provide feedback back to the ad servers to control distribution of ads. Thus, the invention described in *Alberts* involves a central controller which carries all decision-making functionality and ad servers which act as data loggers as well as distribution channels for the controller.

The Patent Office admits that *Alberts* does not explicitly teach providing the marketing agent with a set of prospect information. The present invention teaches selecting a recipient based on prospect information wherein ads are then distributed accordingly. However, the

**Non-Fee Amendment**

Applicant Docket No. 19011.1350

invention in *Alberts* teaches an advertising controller which varies distribution of ads in response to request by users. The advertising controller does not proactively generate a target group of recipients but instead, adaptively distributes ads based on user interaction. Furthermore, the method of claim 1 of the present invention which teaches selecting a recipient from a set of prospective recipients includes making selections through the use of a graphical user interface.

Furthermore, in the present invention, each marketing agent appears to maintain some degree of autonomy with regards to marketing activity. However, the manager retains ultimate control of all the marketing agents. Thus, each marketing agent may have its own unique set of limitations as defined by the manager via the Restriction Function. This limitation is passed down each respective branch as more tiers are added. Whereas the *Alberts* invention appears to offer the same level of access to each AD server, this invention defines different access levels for each marketing agent. Furthermore, it appears that with the *Alberts* invention, all adaptive processing is executed in the controller and feedback is passed back to each ad server. The ad servers then serve to make sure that the feedback is implemented in its next round of distribution.

Therefore, the applicant respectfully submits that claim 1 is allowable over the cited art. Furthermore, claims 4-20 depend either directly or indirectly from claim 1 and thus are also in condition for allowance.

New claims 21-22 are method claims with further limitations beyond claim 1 and thus, are also in condition for allowance.

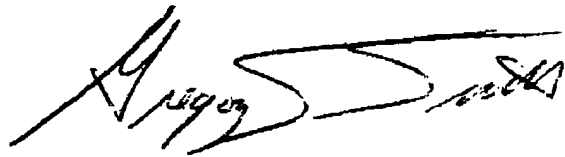
**Non-Fee Amendment**

Applicant Docket No. 19011.1350

**CONCLUSION**

Applicant respectfully submits the claims are allowable over *Alberts* and *Angles* and respectfully request the Patent Office to move this case towards allowance. The applicant invites the Patent Office to contact the undersigned at its convenience should the Patent Office believe it would facilitate prosecution of this application. Applicant thanks the Examiner for consideration of this application.

Respectfully submitted,



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